1 2 3 UNITED STATES DISTRICT COURT 4 5 DISTRICT OF NEVADA 6 7 UNITED STATES OF AMERICA, 3:95-cv-00757-HDM 8 Plaintiff, 9 SECOND AMENDED JUDGMENT vs. BOARD OF DIRECTORS, TRUCKEE-CARSON IRRIGATION DISTRICT, individually, and the  $\ensuremath{\mathsf{TRUCKEE-}}$ 11 CARSON IRRIGATION DISTRICT, 12 Defendants. 13 14 D. EDWIN BRUSH, TED J. deBRAGA, RICHARD HARRIMAN, ROGER MILLS, 15 JIM PERAZZO, RAY PETERSON, and WILLIAM E. SHEPARD, 16 Counterclaimants, 17 VS. 18 THE UNITED STATES OF AMERICA, and) GALE NORTON, Secretary of the 19 Interior, 20 Counterdefendants. 21 PYRAMID LAKE PAIUTE TRIBE OF 22 INDIANS, 23 Intervenors. 24 Pursuant to this court's decision of December 3, 2003 as 25 clarified by this court's order of February 4, 2005 (Docket #465), 26 and this court's orders of October 6, 2011 (Docket #749), January 27 29, 2014 (Docket #831), May 11, 2015 (Docket #853), and January 25, 28

2016 (Docket #886), judgment is hereby entered in favor of the United States and the Pyramid Lake Paiute Tribe of Indians and against the Truckee-Carson Irrigation District for excess diversions and spills in the amount of 335,908 acre-feet. All individual water right owners as class defendants are bound by this judgment but shall have no independent individual liability under the judgment. This judgment imposes no individual liability against the Board of Directors of the Truckee-Carson Irrigation District or the State of Nevada through its Department of Conservation and Natural Resources, Division of Wildlife and Division of State Lands.

The excess diversion of 335,908 acre-feet shall be repaid in full by the Truckee-Carson Irrigation District within twenty (20) years of the date of this judgment. Repayment shall be in equal annual amounts, payable each year no later than October 31 unless for good cause shown and after notification and a hearing the court defers all or part of any annual repayment until the following year or years.

Repayment shall be made by the Truckee-Carson Irrigation
District through reductions of diversions to the Newlands Project
from the Truckee River or through water savings or reductions
in demand generated by existing and proposed acquisition programs.
The Federal Water Master shall have the responsibility to certify
to the court each year that the Truckee-Carson Irrigation District
is in compliance with this amended judgment. Such certification
shall be made only after the Federal Water Master has conferred
with the designated representatives of the Secretary of the
Interior, the Pyramid Lake Paiute Tribe of Indians and the

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| 1  | Truckee-Carson Irrigation District. The court and the Federal      |
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| 2  | Water Master shall be advised of the names of such representatives |
| 3  | within sixty days of the date of this amended judgment.            |
| 4  | All of the parties shall bear their own costs and fees.            |
| 5  | IT IS SO ORDERED.  |
| 6  | DATED: This 25th day of January, 2016.                             |
| 7  | Howard DMEKiller   |
| 8  | UNITED STATES DISTRICT JUDGE                                       |
| 9  | ONTIED STATES DISTRICT OUDGE                                       |
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